



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

April 27, 2018

BY HAND and ECF

The Honorable Lewis A. Kaplan
United States District Judge
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, New York 10007

Re: ***United States v. Wali Khan Amin Shah, 93 Cr. 180 (LAK)***

Dear Judge Kaplan:

As per your Honor's order of March 30, 2018 requesting a response from the Government, the Government respectfully submits this letter opposing the defendant's pro se motion to correct and update the judgment and commitment order in the above captioned case, from "Wali Khan Amin Shah" to "Osama Mollah Heider Ahmed Ali." Dkt. Nos. 891, 892.

The defendant attaches to his motion various exhibits. He identifies Exhibits A and B as his birth certificate and public school graduation certificate, and suggests that these documents prove that his birth name is "Osama Mollah Heider Ahmed Ali." He also identifies Exhibit C as a passport and identification document obtained under what he contends is the fictitious name of "Wali Khan Amin Shah." The submitted materials are untranslated and unverified photocopies of unknown origin, and provide no basis for the Court to provide the relief sought by the defendant.


Based on the Government's review of policy documents from the Bureau of Prison ("BOP"), it appears that the BOP maintains inmate information in the SENTRY database. The BOP's SENTRY database identifies an inmate by the name contained in the order of judgment and commitment. Program Statement 5800.15, Correctional Systems Manual, Ch. 4 § 402(d) (Sept. 23, 2016), available at https://www.bop.gov/policy/progstat/5800_015_CN-01.pdf. The BOP allows for a change in this "committed name" based upon an order from the federal sentencing court.¹ *Id.*

¹ Where an order of judgment and commitment indicates that there is an additional "legal" or "true" name, the SENTRY database allows for its entry into the system either in the alias field or in a separate "legal" name field. BOP staff members, with verifiable documentation provided by an inmate, will also recognize a legal name change by adding the information into SENTRY's legal name field. The onus is on the inmate to provide sufficient documentation.

Here, there are no verified or translated documents showing that the defendant's name is any other than the name identified in the judgment of conviction. Based on the lack of any documentation beyond the defendant's own statements and the defendant's description of the documents he has submitted, the Government respectfully submits that the Court should deny the defendant's *pro se* motion.

Very truly yours,

GEOFFREY S. BERMAN
Acting United States Attorney

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